

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY FREDIANELLI,

No. C-11-3232 EMC

Plaintiff,

v.

**ORDER RE DEFENDANTS' MOTION
FOR LEAVE TO FILE SECOND
MOTION FOR SUMMARY JUDGMENT**

STEPHAN JENKINS, *et al.*,

(Docket No. 230)

Defendants.

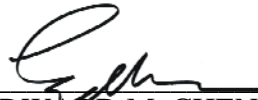
The Court is in receipt of Defendants' motion for leave to file a second motion for summary judgment in this matter. *See* Docket No. 230. The Court hereby orders the parties to meet and confer to prepare a joint letter to the Court of no longer than five pages, in which Defendants shall summarize the contentions and evidence they would submit in such a second motion for summary judgment and Plaintiff shall summarize the contentions and evidence he would submit in opposition thereto. The parties shall submit this joint letter to the Court by no later than one week from the date of this order.

In addition, the Court clarifies that the remaining claims based on Defendants' failure to pay Plaintiff a share of the net touring revenues are not limited to the period of March 2008 to August 2009, but rather span the length of Plaintiff's alleged participation in a profit-sharing agreement with Defendants. Although the Court's order granting Defendants' first motion for summary judgment indicates that "breach of contract as to the agreement to pay net touring revenues for March 2008 to August 2009 is an appropriate cause of action" based on evidence before it suggesting that Plaintiff

1 was not paid in full during this time period, it did not limit Plaintiff's breach of contract or
2 accounting claims to this time period.

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4 IT IS SO ORDERED.

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6 Dated: April 12, 2013

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EDWARD M. CHEN
United States District Judge